



Town of Yountville

January 16, 2003

Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, California 95814

RE: Conflict of interest issues in small jurisdictions
Agenda items #6 and #7
FPFC meeting of January 17, 2003

Dear Commissioners and Staff:

For over one year, the Town of Yountville and other small jurisdictions have testified before this body regarding the effect of the 500-foot rule in our jurisdictions. At the September 2002 Commission meeting we understood that Commissioners and Staff had come to a consensus that the new 500-foot rule does indeed present a participation problem for small jurisdictions. At that September meeting the Commission declined to address those issues in Regulation 18704.2 and instead directed staff to explore the resolution of these issues in the public generally sections of the regulations.

At the December 2002 meeting, staff came back to the Commission with options for resolving the issues for small jurisdictions. The Commission moved in the direction of adopting the option to simply delete Regulation 18707.3. The Commission chose this option even though the Staff had reported that the option "does nothing to ameliorate the supposed harshness of the '500-foot rule' in small jurisdictions." (Page 1 of staff report to Commission dated November 25, 2002)

Regulation 18707.3 is a regulation originally designed to give preference to small jurisdictions, which after the phase two amendments had become inapplicable to conflicts arising from real property interests. When originally creating Regulation 18707.3, the commission had demonstrated a policy of treating jurisdictions differently, and creating preferences for small jurisdictions. Deletion of that Regulation at this point seems to be a complete change in that original policy. We would request that the Commission critically consider whether such a change in policy is warranted, at a time when participation in small jurisdictions has become a problem because of the 500-foot rule.


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However, we have also found it very difficult to obtain immunity letters from the FPPC in the past, and therefore many of our officials will recuse themselves rather than face the uncertainty of application of the public generally exception. Additionally, small jurisdictions such as Yountville do not have the financial resources to continually write lengthy letters to the FPPC or to obtain professional appraisals to help the public officials make factual determinations required under the public generally analysis.

Your actions at the next Commission meeting face these issues directly. We would encourage you to further explore the options to fix the small jurisdiction issues you have recognized in the past before adopting agenda items #6 and #7 as recommended by Staff.

Thank you once again for the opportunity to bring these issues to your attention.

Sincerely,



Karin D. Troedsson
Deputy Town Attorney

cc: Mayor & Town Council
Kevin Plett, Town Administrator
Diane Price, Town Attorney
Robert Tiernan, Planning Director